this Act, and shall be allowed by such lessor or landlord in part or full payment (as the case may be) of the rent due to him by such occupier.

Recovery of Expenses of Buildings—Differences—Determination by Official Referees—Charges—Receipt of Rents—Recovery of Rents—Priority of Right—Limitation of Distress—Continuance of Distress until Payment made.

48. And be it enacted, with regard to the costs and all other expenses of pulling down, securing, repairing and rebuilding party-structures, or other parts of buildings, according to the provisions of this Act, so far as relates to the recovery thereof, amongst the several owners of the premises, that where such costs and expenses shall have been ascertained and paid by the owner upon whom the payment thereof shall have first fallen, then as to any building or tenement held under any lease, or agreement for a lease, or other agreement for the occupation thereof, made before the coming into operation of this Act, it shall be lawful for such owner, and he is hereby entitled to recover the same from the persons now bound or liable by law, or by any existing contract, to maintain and repair such buildings, in respect of which such costs and expenses shall have been incurred; but if any dispute or difference arise as to the persons so bound or liable, then every such dispute or difference shall be referred to the official referee; and that thereupon such official referee shall ascertain and determine the persons bound or liable to pay such costs and expenses, and also in what proportions such costs and expenses are to be paid by the parties liable to pay the same, and their decision shall be final; and that as to any building or tenement held under any lease or agreement for a lease, or other agreement for the occupation thereof, made after the coming into operation of this Act, all such costs and expenses shall be charged upon the building or tenement in respect of which such costs and expenses shall have been incurred; and that in default of such costs and expenses being duly paid, it shall be lawful for the party to whom the same shall be payable, and he is hereby entitled to receive from the occupier thereof the rents and profits of such building or tenement; and for that purpose to give notice to such occupier to pay over to him such rents and profits; and that thereupon if such occupier fail to pay such rent and profits accordingly, then it shall be lawful for the person to whom such costs and expenses shall be payable to recover the same by the summary proceeding hereby provided, in such proportions and at such times as shall be appointed by the award of the said official referee in that behalf; and that after such notice shall be given, and before such costs and expenses shall be paid, it shall not be lawful for any person otherwise entitled to receive such rents and profits, and he is hereby disabled to bring any action or take any proceeding at law or in equity to recover such rents or profits; provided always, that if on the hearing of the application for the warrant to levy such costs and expenses by distress according to the provision of this Act in that behalf, the owner shew that he is not bound to pay, in respect of such building or tenement, any rent or profit, or that the amount of the rent or profit payable by him is not sufficient, then it shall not be lawful to issue such warrant, if there be no rent due or accruing; or if there be rent due or accruing, then to the extent only of the amount of such rents; and that if such costs and expenses or any part thereof remain unpaid, and if the same or any future owner be or become liable to pay rent in respect of such building or tenement, then from time to time, until the same be paid, it shall be lawful to levy the same by distress, according to the provisions in that behalf, upon the same or any such future occupier.

Official Referees to determine Contributions—Proportional Contributions—Recovery of Excess paid by any Contributor.

49. And be it enacted, with regard to such costs and expenses of works executed under this Act, so far as relates to contribution thereto by persons bound or liable to make contribution, that for the purpose of enabling the party upon whom the payment of such costs and expenses shall fall, either in the first instance or subsequently, to obtain contribution from others interested in like degree, it shall be lawful for every such person, whether he be freeholder, copyholder, leaseholder, mortgagee in possession, and whatever may be his interest and the degree of such his interest, and whether in his own right, or in right of others, and whatever may be the kinds and degrees of their respective interests, and he is hereby entitled, to a contribution from every other person having as owner an interest in the premises, of whatever kind or degree; which contribution is to be computed, according to the amount of his interest, in proportion to that of other persons interested, so far as such persons may be known, or can be reached by process of law or equity: that it shall be lawful for any party so interested, and he is hereby entitled, to require the official referee to settle and determine the same by their award, and their decision shall be final; and that if the person upon whom the payment of such costs and expenses shall have fallen, have paid, in respect of the interest of another or others, either unknown or who could not be reached by process of any court of law or equity, more than his own just proportion, then, on the production of such award, duly made, signed and sealed, it shall be lawful for such person to have and exercise against other parties against whom such award shall be made, and he is hereby entitled to the like remedies, to compel payment of money, as are hereby given for compelling the first payment of such costs and charges of such expenses.

STREETS AND ALLEYS.

Width thereof—Penalties.

50. And now, for the purpose of making provision concerning streets and other ways of the metropolis; be it enacted, with regard to such streets and other ways, so far as relates to securing a sufficient width thereof, that, from the passing of this Act, all the conditions, regulations and directions contained in the Schedule (I.) to this Act annexed, shall be duly observed and performed; and that if any person offend in respect thereof, he shall be liable to all the penalties and forfeitures by this Act imposed in respect of new buildings either built contrary thereto, or without due notice to the surveyor appointed in pursuance of this Act to inspect such buildings.

BUILDINGS—THE THEREOF.

Use and Occupation of Cellars or Rooms unfit for Dwellings—Nuisance—Penalty.

51. And now, for the purpose of discouraging and prohibiting the use of buildings unfit for dwellings, and the improper use of other buildings; be it enacted, with regard to every building of the first or dwelling-house class, whether already or hereafter built, so far as relates to the use and occupation thereof, or of any room or cellar thereof, that it shall not be lawful to let separately to hire any such room or cellar not constructed according to the rules specified in the Schedule (I.) to this Act annexed, as a dwelling, nor to occupy or suffer it to be occupied as such, nor to let, hire, occupy, or suffer to be occupied, any such room of less dimensions than one square, or built underground, for any purpose (except for a ware-room or store-room); and further, with regard to every building of the first or dwelling-house class, so far as relates to the use and occupation thereof, that it shall not be lawful to use or to suffer any part thereof to be used as a pig-sty, dog-kennel, or for any other noxious purpose; and that if any person wilfully let, or suffer to be occupied, or used, in manner aforesaid, any underground cellar or room contrary to the provisions of this Act, or any other part of such building, contrary to the provisions of this Act, then, on conviction thereof, before two justices of the peace, such person shall be liable to forfeit, for every day that such cellar or room shall be so occupied, a sum not exceeding twenty shillings; and the half of such penalty shall go to the person who shall sue for the same, and the other half to the poor of the parish in which such unlawfully occupied or used cellar or room shall be situate.

Buildings near dangerous Businesses as to Fire—Distance from Buildings—New Businesses—Prohibition after Thirty Years—Fifty Pounds Penalty and Costs—Costs—Distress or Imprisonment.

52. And now, for the purpose of making provision, concerning businesses dangerous in respect of fire or explosion; be it enacted, with regard to the following businesses, (that is to say): the manufacture of gunpowder or of detonating powder or of matches ignitable by friction or otherwise, or other substances liable to sudden explosion, inflammation or ignition, or capable of causing sudden explosion, inflammation or ignition, or of vitriol, or of turpentine, or of naphtha, or of varnish, or of fireworks, or painted tabic-covers, and any other business dangerous, on account of the liability of the materials employed therein to cause fire or explosion on matters coming in contact therewith, so far as relates to the erection of buildings in the neighbourhood of the place where any such business is carried on, and so far as relates to the carrying on of any such business in the neighbourhood of public ways or buildings, that it shall not be lawful hereafter to erect any building, of any class, nearer than fifty feet to any building which shall be in use for any such dangerous business; and that it shall not be lawful for any person to use for the purpose of such business any building either in any building or vault or in the open air, at a less distance than *forty* feet from any public way, or than *fifty* feet from any other building, or any vacant ground belonging to any other person than his landlord; and that if any such business be now carried on in any situation within such distances, then, from the expiration of the period of *thirty* years next after the passing of this Act, it shall not be lawful to continue to carry on such business in such situations: and that if any person erect any building in the neighbourhood of any such business contrary to this Act, then, on conviction thereof before two justices, he shall forfeit the sum of *fifty* pounds; or if any person establish anew any such business, or carry on any such business contrary to this Act, then, on conviction thereof before two justices such person shall be liable to forfeit for every day during which such building shall remain near to such dangerous business, or during which such business shall be so carried on, a sum, not exceeding *fifty* pounds, as the said justices shall determine: and that it shall be lawful for the justices also to award to the prosecutor such costs as shall be deemed reasonable; and that if the offender either fail or refuse to pay such penalty and costs immediately after such conviction, then they may be levied by distress of the goods and chattels of the person convicted; or if there be no such distress, then such person shall be committed to the common gaol or house of correction for any time not exceeding six months, at the discretion of such justices; and that by warrant under the hands and seals of two or more justices of the peace.

The proposal to give power to the official referees to award, in cases of dispute, the costs of party-walls, and other matters done under the present Act, and to determine who are the parties liable for the same, is excellent; as many cases of dispute relative to bearing the expense of new party-walls erected under the present Act are still likely to arise, from the difficulty of awarding to the several parties interested their just proportions of such expenses.

We imagine "*disabled* FROM *bringing* ANY *action* AND FROM *taking any proceeding*" to be intended.

"*Future occupier*" we presume to be meant, otherwise there will be no congruity with the closing words of the clause, "*any* SUCH *future occupier.*"

The general purport of this proposed regulation is excellent; but we fear, that out of the very justice intended to be applied by it to reach all the several interests of compli-cated cases, great litigation and its attendant expenses will arise.

We apprehend the words "LIKE *degree*" are not proper for expressing the several liabilities of the parties interested: as, for instance, one man may have taken of a freeholder a piece of ground at 3*l.* rent, and may have underlet it to a third person at 10*l.* rent: he again may have underlet the same ground at 20*l.* rent to a fourth party, who is a builder, and who has laid out 500*l.* upon the ground; this party may have underlet the estate again to a fifth at 50*l.* rent; this fifth party, finding the estate unprofitable, may have underlet it again to a sixth at a reduced rent of 50*l.*; this sixth party may have so increased the buildings that the estate has become worth a 100*l.* per annum: in the mean while some of the parties may have become insolvent, some may have been made bankrupts, some may have died, some may have become insane, and some may have left children minors. Under such a complication, an arbitrator would have to exercise great care and ability in dividing the several interests according to term, rent, value, and legal liability, which if "LIKE" would form another measure.

The expression should be "*Nearer than fifty feet* FROM *any building*," or "*Nearer to any building than fifty feet*," the words "from such building" being then merely understood.

We cannot see any reason why FIRE-WORK MANUFACTORIES and OTHER PLACES OF DANGEROUS FABRICATION should be legalized or in any way countenanced for thirty years in any situation whatever contiguous to human habitations or to public ways.